

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

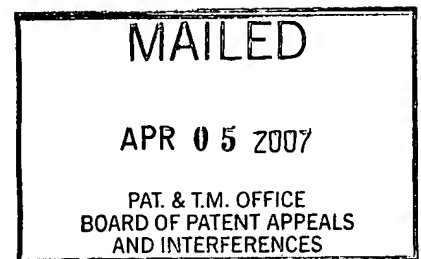
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Ex parte MITCHELL R. TOLAND

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Application No. 10/680,676

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on January 9, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The Information Disclosure Statement dated December 30, 2004, was not considered by the Primary Examiner with respect to compliance with the criteria set

forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellant of the Primary Examiner's decision is required.

Accordingly, it is

**ORDERED** that the application is electronically returned to the Examiner 1) for consideration of the Information Disclosure Statements; 2) written communication to appellant of such consideration; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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PJN/lbg